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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,587	02/09/2004	Ronald Mark Katsuranis		1733

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Ronald M. Katsuranis
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EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/775,587	Applicant(s) KATSURANIS, RONALD MARK	
	Examiner LE NGUYEN	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-50 is/are pending in the application.
- 4a) Of the above claim(s) 36-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 4/14/2008.
2. Claims 36-50 are pending in this application; and, claims 36, 44, 47 and 48 are independent claims. Claims 36-47 are drawn to the non-elected claims and are withdrawn from consideration. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan (US 6,233,559) in view of Ito (US 2003/0169296).

As per claim 48, although Balakrishnan teaches a method in a windowed computing environment having voice recognition comprising setting input focus on the first window and receiving/executing independent commands from a user and setting input focus on the second window (col. 4, lines 6-58; recognition of words or combinations of words and the execution of steps independent of direct user input, e.g. a first application window such as "Netscape" is in focus in the sense that it is in the foreground then upon a voice command such as "start WisdomPen", the following steps are performed: (a) input focus is moved or switched to a second application window "WisdomPen"; and (b) the second application acts on the input speech (e.g. "start") wherein the action taken in response to the input can include starting an application,

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entering data into a file within an application, etc.), Balakrishnan does not explicitly disclose the command being one of a copy command. Ito teaches a method of copying and pasting text comprising receiving a copy command from a user and setting input focus on the second window in a windowed computing environment (fig. 5; paragraphs [0004], [0035]-[0036] and [0049]; i.e. receiving a copy command from a user and setting input focus on window 42, waiting for the user to make a selection from window 42 and when the user selects, performing the following steps via a drag-and-drop operation, screen capture operation or copy operation: copying the selected text, switching focus to window 45 and pasting the selected text into window 45). It would have been obvious to an artisan at the time of the invention to incorporate the method of Ito with the method of Balakrishnan so that users can copy necessary data from data displayed in, for example, a Web browser into a word processing program.

As per claim 49, the modified Balakrishnan teaches a system for a computer user in a first graphical application window having input focus, to copy text from a second graphical application window, in a windowed computing environment having a voice recognition engine wherein the second graphical application window is an Internet browser application (Balakrishnan: col. 3, line 66 through col. 4, line 47; Ito: paragraphs [0004], [0036] and [0049]).

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan in view of Ito as applied to claim 48, and further in view of Wang et al. ("Wang").

As per claim 50, although the modified Balakrishnan teaches a method for a computer user in a first graphical application window having input focus, to copy text from a second graphical application window, in a windowed computing environment having a voice recognition engine comprising a first window and a second window (Balakrishnan: col. 3, line 66 through col. 4, line 47), the modified Balakrishnan does not explicitly disclose having a voice recognition engine for a help application. Wang teaches a system for a computer user having a voice recognition engine that receives voice commands in a windowing environment comprising a help application (Table 2; paragraphs [0040], [0067] and [0158]; *help application providing guidance*). It would have been obvious to an artisan at the time of the invention to incorporate the method of Wang with the method of the modified Balakrishnan in order to provide users with guidance in a limited display UI.

Response to Arguments

6. Applicant's arguments filed 4/14/2008 have been fully considered but they are not persuasive.

Applicant argued the following:

Balakrishnan fails to disclose copying the selected text from the second window, switch focus back to the first window, and paste the text into the first window. Ito also does not disclose these limitations given that Ito discloses a data processing device wherein information copied by a user in a first window is automatically pasted into a second window for editing.

The Office disagrees for the following reasons:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Balakrishnan teaches a method in a windowed computing environment having voice recognition comprising recognition of words or combinations of words and the execution of steps independent of direct user input (col. 4, lines 6-58; e.g. a first application window such as "Netscape" is in focus in the sense that it is in the foreground then upon a voice command such as "start WisdomPen", the following steps are performed: (a) input focus is moved or switched to a second application window "WisdomPen"; and (b) the second application acts on the input speech (e.g. "start") wherein the action taken in response to the input can include starting an application, entering data into a file within an application, etc.), the feature extracted from Ito is for the teaching that the action taken is one of copying and pasting. Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in paragraph two of section five of the Office Action of 12/11/07.

Conclusion

7. This is a continuation of applicant's earlier Application No. 10/775587. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had

been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
June 8, 2008
/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178